

EMPLOYMENT AND CONTRACTING CERTIFICATIONS
(TO BE SUBMITTED WITH BID PACKAGE)

Bidder's Name and

Title: _____

Address and Zip

Code: _____

Project

Name: _____

(A) FAIR EMPLOYMENT PRACTICES CERTIFICATION

In connection with the performance of work under this contract, the contractor agrees as follows:

1. The Contractor will not willfully discriminate against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, or sex. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the awarding authority setting forth the provisions of the Fair Employment Practices Agreement.
2. The contractor will send to each labor union or representative of workers, with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the awarding authority advising the said labor union or worker's representative of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
3. The contractor will permit access to his records of employment, employment advertisements, applicant forms, and other pertinent data and records by the Fair Employment Practices Commission, the awarding authority or any other appropriate employee, department or agency of the County of San Diego, or the State of California designated by the awarding authority, for the purposes of investigation to ascertain compliance with the Fair Employment Practices provisions of the contract.
4. A finding of willful violation of any of the Fair Employment Practices provisions of this contract or of the California Fair Employment Practices Act shall be regarded by the awarding authority as a basis for determining the Contractor to be not a

“responsible bidder” as to future contracts for which such Contractor may submit bids, for revoking the Contractor’s pre-qualification rating, if any, and for refusing to establish, re-establish or renew a pre-qualification rating of the Contractor.

The awarding authority shall deem a finding of willful violation of the California Fair Employment Practices Act to have occurred upon receipt of written notice from the Fair Employment Practices Commission that it has investigated and determined that the Contractor has violated the Fair Employment Practices Act and has issued an order or obtained an injunction under Government Code Section 12900 et seq.

Upon receipt of such written notice from the Fair Employment Practices Commission, the awarding authority shall notify the Contractor that unless he demonstrates to the satisfaction of the awarding authority within a stated period that the violation has been corrected, his pre-qualification rating will be revoked at the expiration of such period.

5. The contractor agrees, that should the awarding authority determine that the Contractor has not complied with the Fair Employment Practices section of this contract, the pursuant to Labor Code Sections 1735 and 1775, the Contractor shall, as a penalty to the Awarding Authority forfeit, for each calendar day, or portion thereof, for each person who has denied employment as a result of such non-compliance, the penalties provided in the Labor Code for violation of prevailing wage rates. Such monies may be recovered from the Contractor. The awarding authority may deduct any such damages from any monies due the Contractor.
6. Nothing contained in this Fair Employment Practices Agreement shall be construed in any manner or fashion so as to prevent awarding authority of the County of San Diego from pursuing any other remedies that may be available at law.
7. Fair Employment Practices Certification: Prior to entering into a written contract with the County of San Diego, the Contractor shall certify to the awarding authority that he has or will meet the following standards for affirmative compliance, which shall be evaluated in each case by the awarding authority.
 - a. Contractor shall provide evidence, as required by the awarding authority, that he has notified all supervisors, foremen and other personnel officers in writing of the content of the anti-discrimination clause and their responsibilities under it.
 - b. The Contractor shall provide evidence, as required by the awarding authority, that he has notified all sources of employee referrals (including unions, employment agencies, advertisements, Department of Employment) of the content of the anti-discrimination clause.
 - c. The contractor will file a basic compliance report, as required by the awarding authority. Willfully false statements made in such reports shall be punishable as provided by law. The compliance report shall also spell out the sources of the work force that has the responsibility for determining whom to hire, or whether or not to

hire.

- d. Personally, or through his representatives, the Contractor shall, through negotiations with the unions with whom he has agreements, attempt to develop an agreement, which will:
 - (1) Spell out responsibilities for nondiscrimination in hiring, referral, upgrading, and training.
 - (2) Otherwise implement an affirmative anti-discrimination program in terms of the union's specific areas of skill and geography, to the end that qualified minority workers will be available and given an equal opportunity for employment.
- e. The Contractor shall notify the awarding authority of opposition to the anti-discrimination clause by individuals, firms or organizations during the period of its pre-qualification.
8. The Contractor will include the provisions of the foregoing Paragraphs 1 through 7 in every first tier subcontract, so that such provisions will be binding upon each subcontractor.
9. The form of certificate as shown below must be executed at the time of submitting the proposal and thereupon this agreement and certificate shall become part of the Contract Documents.

(B) EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION

This certification is required pursuant to Executive Order 11246 (3CFR 12319-25). The implementing rules and regulations provide that any bidder or prospective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract to the equal opportunity clause; and, if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicates that the bidder has not filed a compliance report due under applicable instructions, such bidder shall be required to submit a compliance report within seven calendar days after bid opening. No contract shall be awarded unless such report is submitted. Compliance reports were required to be filed in connection with such contract or subcontract.

1. Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause.

Yes () No () (If answer is yes, identify the most recent contract)_____

2. Compliance reports were required to be filed in connection with such contract or

subcontract.

Yes () No () (If answer is yes, identify the most recent contract) _____

3. Bidder has filed all compliance reports due under applicable instructions, including SF-100.

Yes () No () None Required ()

4. If answer to item 3 is "No", please explain in detail on reverse side of this certification.

(C) CERTIFICATION OF NON-SEGREGATED FACILITIES FEDERALLY ASSISTED PROJECTS

The federally assisted construction contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom or otherwise. The federally assisted construction contractor agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods), he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and the he will retain such certifications in his files.

TO THE COUNTY OF SAN DIEGO:

The undersigned in submitting a bid for performing the work specified in the Contract Documents, hereby certifies that the information above is true and complete to the best of his knowledge and belief and that he has or will meet all the standards of affirmative compliance with the California Fair Employment Practices Act, Equal Employment Opportunity, Requirement for Non-Segregated Facilities, and such additional requirements are as stated herein.

COMPANY NAME/LEGAL NAME

(SIGNATURE OF BIDDER)

BY: _____

DATE: _____

TITLE: _____

The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.